

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on March 30, 2001 and the references cited therewith. Claim 3 is amended solely to correct a typographical error, deleting an extraneous "second" descriptor (which caused the 112 rejection) and not in response to any art reference or obviousness rejection by the Examiner. Claims 1, 2, 11, and 26 are cancelled without prejudice. No new matter is added.

§112 Rejection of the Claims


Claims 2-3 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 2 is cancelled without prejudice, solely to permit the remaining claims to issue promptly. Claim 3 is amended solely to correct a typographical error, deleting an extraneous "second" descriptor (which caused the 112 rejection) and not in response to any art reference or obviousness rejection by the Examiner. In view of the amendments, Applicant respectfully requests that the §112 rejection of the claims be withdrawn.

§103 Rejection of the Claims

Claims 1, 2, 11 and 26 were rejected under 35 USC § 103(a) as being unpatentable over Applicant's allegedly admitted prior art as discussed on pages 2-5 of the specification. Applicant respectfully traverses the rejection. As discussed in the previous Amendment and Response, the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. Applicant still believes that the Examiner had failed to meet his burden of providing a *prima facie* case of obviousness. However, claims 1, 2, 11, and 26 are cancelled without prejudice, solely to permit the remaining claims to issue promptly.

Allowable Subject Matter

Claims 3-10, 12-25 and 27-31 were indicated to be allowable if claim 3 were rewritten to overcome the rejection(s) under 35 USC § 112 set forth in the Office Action. In view of the above-presented amendments, claims 3-10, 12-25 and 27-31 are believed to be in condition for allowance.



Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6949) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ARYE MALEK ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6949

Date 2 July 2001

By Charles A. Lemaire

Charles A. Lemaire
Reg. No. 36,198

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 26th day of January 2001.

Charles A. Lemaire
Name

Charles A. Lemaire
Signature

